CMPMO No. 285 of 2004.

18.8.2006 **Present:** **Mr. K.D. Sood and Mr. Sanjeev Sood, Advocates, for the petitioner.**

Mr. Bhupender Gupta, Senior Advocate with Mr. Praneet Gupta, Advocate, for respondent No.1.

After hearing learned Counsel for the parties and on consideration of all relevant aspects of the case, I feel convinced that the ends of justice shall be properly met if the area in question is re-inspected and a fresh demarcation report prepared by a Revenue Officer senior in rank to the Naib Tehsildar.

The petition is accordingly allowed. Impugned order dated 26th August, 2004 passed by the learned Civil Judge (Junior Division), Rampur Bushahr, is set aside. It is ordered that Tehsildar, Rampur Bushahr shall re-inspect the area and after conducting an enquiry and having a look at the old record as well as new record have the demarcation done afresh and submit his fresh demarcation report before the trial Court. This shall be done by the Tehsildar after due notice to the parties and in their presence or in the presence of their authorized representatives. This entire task shall be completed by the Tehsildar before 30th November, 2006. Records be sent back to the trial Court where the parties through their learned Counsel are directed to appear on 14th September, 2006.

CMP No.453 of 2004.

In view of the disposal of the main petition, interim order dated 8th September, 2004 shall stand vacated and the application is disposed of.

August 18, 2006.
(rc)

(V.K. Gupta),
Chief Justice.